S.B.CRIMINAL MISC. BAIL APPLICATION NO.5178/06

Date : 23.11.2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. D.D. Chitlangi for the applicants.
Mr. Vishnu Kachhawaha, Public Prosecutor for State.
Mr. Shyam S. Khatri for complainant.

I have heard learned counsel for the applicants as well as the learned Public Prosecutor for the State assisted by learned counsel for the complainant and carefully gone through the impugned order.

Taking into consideration the overall facts and circumstances of the present case, I think it just and proper to grant anticipatory bail to applicant No.2 Leelawati. Accordingly, it is directed that in the event of arrest of applicant Leelawati w/o Dwarka Prasad by I.O./S.H.O. in FIR No.287/2006 P.S. Nokha, Bikaner, she shall be released on bail provided she furnishes a personal bond in the sum of Rs.30,000/- alongwith two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of Investigating Officer on the following conditions:-

(i)That she shall make herelf available for interrogation by a police officer as and when required;

(ii)That she shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That she shall not leave India without the previous permission of the Court.

Learned counsel for the applicant submits that he does not want to press the bail application of applicant No.1 Dwarka Prasad, however, prays that proper order may be passed.

Having considered the submission made before me, I deem it just and proper to issue following directions :

1. The applicant No.1 Dwarka Prasad s/o Kani Ram shall surrender himself before the concerned Investigating Officer/SHO in FIR No.287/2006 Police Station Nokha, Bikaner.

2. The Investigating Officer, upon surrendering the accused applicant, shall produce him before the concerned Court on the very same day and in case application is moved for bail the concerned Court, shall decide the same on the very same day in accordance with law.

The bail application of applicant No.1 Dwarka Prasad stands dismissed as not pressed.

(SATYA PRAKASH PATHAK), J.

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